

DETAILED ACTION

1. This Office Action is in response to the Amendment filed 2/12/08. Claims 1-12 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. Pat. 6909690 B1) in view of Khaleghi et al. (U.S. Pat. 6975609 B1).

With respect to claims 1, 5, and 9, Xu et al. discloses a call acceptance control device operating a method in a communication system (**See the abstract of Xu et al. for reference to a communication hub, which is a control device, operating a method to control access to a communication network**). Xu et al. also discloses connecting users to provide multiple access calls with shared resources (**See column 3 line 46 to column 4 line 22 and Figure 2 of Xu et al. for reference grating access to multiple calls using shared system resources**). Xu et al. further discloses measuring

a resource use condition based upon existing connections provided by the connecting step (**See column 3 line 46 to column 4 line 22, column 7 lines 11-21, and Figure 2 of Xu et al. for reference to computing the current effective bandwidth, B, based on the number of concurrently active voice and voice-band data calls**). Xu et al. also discloses restricting acceptance of new calls for connection in the connecting step when a value of the resource use condition measured in the measuring step exceeds a set call acceptance threshold value (**See column 3 line 46 to column 4 line 22, column 7 lines 11-32, and Figure 2 of Xu et al. for reference to comparing the measured effective bandwidth, B, to a provisioned bandwidth, B', which is a set call acceptance threshold value, and for reference to denying access for a call if the effective bandwidth, B, is greater than or equal to the provisioned bandwidth, B'**). Xu et al. further discloses calculating a correction value in accordance with a number of actively connected packet users of a packet switching system (**See column 6 lines 31-39 and column 7 lines 22-32 of Xu et al. for reference to calculating a correction value B2 in accordance with a number, m, of actively connected voice-band data calls**). Xu et al. also discloses adjusting the restriction of the new call acceptance in accordance with the call acceptance threshold value in the restricting step by using the correction value calculated in the calculating step (**See column 7 lines 22-32 of Xu et al. for reference to adjusting the effective bandwidth, B, in accordance with the value B2 thereby adjusting the restriction new call acceptance by changing the effective bandwidth, B**). Although Xu et al. does disclose that the communication network could use wireless communication paths (**See**

column 2 line 65 to column 3 line 45 and Figure 1 of Xu et al. for reference to the call admission system and method controlling call acceptance in a network using wireless paths), Xu et al. does not specifically disclose that the network comprises a mobile communication system including a base station and also including packet users and an associated packet switching system producing packet calls and other users and an associated circuit switching system producing other calls.

With respect to claims 1, 5, and 9, Khaleghi et al., in the field of communications, discloses a system and method including a base station and also including packet users of an associated packet switching system as well as other users of an associated circuit switching system (**See column 2 line 61 to column 3 line 22 and Figure 1 of Khaleghi et al. for reference to a system and method using both packet data calls with a corresponding packet data network and voice calls with a corresponding PSTN, which is a circuit switching system**). Using a system and method including a base station and also including packet users of an associated packet switching system as well as other users of an associated circuit switching system has the advantage of allowing wireless users to connect to multiple network types for communicating different types of data.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Khaleghi et al., to combine using a system and method including a base station and also including packet users of an associated packet switching system as well as other users of an associated circuit switching system, as suggested by Khaleghi et al., with the system and method of Xu et al., with

the motivation being to allow wireless users to connect to multiple network types for communicating different types of data.

With respect to claims 4, 8, and 12, Xu et al. discloses adjusting the restriction of new calls acceptance by raising the measured value of the resource use condition in accordance with the calculated correction value (**See column 7 lines 22-32 of Xu et al. for reference to adjusting the effective bandwidth, B, in accordance with the value B2 thereby adjusting the restriction new call acceptance by changing the effective bandwidth, B, meaning that if B2 is increased, the measured value of B is also increased by the same amount**).

4. Claims 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. in view of Khaleghi et al. as applied to claims 1, 4, 5, 8, 9, and 12 above, and further in view of Peisa et al. (U.S. Pat. 6850540 B1).

With respect to claims 2, 6, and 10, the combination of Xu et al. and Khaleghi et al. does not disclose that the system includes guaranteed-bandwidth packet calls. Xu et al. does discloses calculating a correction value used to adjust a call acceptance threshold with the correction value being calculated in accordance with a number of actively connected packet users (**See column 7 lines 22-32 of Xu et al. for reference to adjusting the effective bandwidth, B, in accordance with the value B2 thereby adjusting the restriction new call acceptance by changing the effective bandwidth, B**).

With respect to claims 2, 6, and 10, Peisa et al., in the field of communications, discloses a wireless system and method using guaranteed-bandwidth packet calls (**See column 2 lines 37-67 of Peisa et al. for reference to a wireless system using guaranteed bandwidth data calls**). Using guaranteed-bandwidth packet calls has the advantage of allowing a guaranteed quality of service to be provided to packet users of a wireless system.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Peisa et al., to combine using guaranteed-bandwidth packet calls, as suggested by Peisa et al., with the system and method of Xu et al. and Khaleghi et al., with the motivation being to allow a guaranteed quality of service to be provided to packet users of a wireless system.

Allowable Subject Matter

5. Claims 3, 7, and 11 are allowed.

Response to Arguments

6. Applicant's arguments filed 2/12/08 have been fully considered but they are not persuasive.

Regarding Applicant's argument that the claimed "calculating a correction value in accordance with a number of actively connected packet users of said packet

switching system" is not rendered obvious by the combination of Xu et al. and Khaleghi et al., the Examiner respectfully disagrees. As shown in the rejections above, Xu et al. discloses calculating a correction value in accordance with a number of actively connected voice-band data calls (See column 31-39 and column 7 lines 22-32 of Xu et al.). Xu et al. also discloses that its system and method differentiate between bandwidth used by voice calls and bandwidth used by voice-band data calls (See column 7 lines 22-32 of Xu et al.). As shown in the rejections above, although Xu et al. does disclose a system and method including voice-band data calls, Xu et al. does not specifically disclose that the voice-band data calls are packet calls, as claimed. Packet calls are a specific type of voice-band data calls, which use data packets. Thus, as shown in the rejections above, the only difference between the current limitations of claims 1, 5, and 9 and the teachings of Xu et al. is that Xu et al. does not specifically disclose its voice-data calls being packet calls in a communication system including a base station. Khaleghi et al. discloses a wireless cellular communication system having a base station and having users communicating using both voice calls and packet data calls. Thus the combination of teachings used in the rejections above is a combination of the call admission control system and method as disclosed by Xu et al., with the disclosed general voice-band data calls of Xu et al. being replaced by the disclosed specific packet data calls of Khaleghi et al.

Regarding Applicant's argument that the bandwidth B2, which is part of the total bandwidth B, as disclosed by Xu et al. cannot be part of both the step of measuring a resource use condition and a step of calculating a correction value, the Examiner

respectfully disagrees. There is no limitation in the claims that precludes the bandwidth B2, of Xu et al. from being used as part of a measured resource use condition and from also being used as a correction value.

Regarding Applicant's argument that Xu et al. does not teach or suggest any adjustment to the restriction on the acceptance of a new call, the Examiner respectfully disagrees. Xu et al. discloses that during system operation, the total current bandwidth B is measured and that this total current bandwidth B is used to determine whether or not a new call should be accepted (See column 7 lines 11-32 of Xu et al.). Xu et al. also discloses that the current bandwidth B is adjusted based on the number of current voice-band data call bandwidth B2. Xu et al. further discloses that the current voice-band data call bandwidth B2 is a function of the current number of voice-band data calls m. Since the bandwidth B is used to control call acceptance, and the current value of the bandwidth B is adjusted based on a current number of voice band data calls m, Xu et al. does disclose adjusting the restriction of new call acceptance using a calculated correction value, B2, as claimed.

Regarding Applicant's argument that Xu et al. and Khaleghi et al. are not compatible, the Examiner respectfully disagrees. Both Xu et al. and Khaleghi et al. disclose call acceptance methods in a system including voice calls and data calls. Xu et al. also discloses that it's communication could take place using wireless data paths (See column 3 lines 9-11 of Xu et al.). Therefore, it is not incompatible to use the specific wireless communication system disclosed by Khaleghi et al. with the call acceptance method disclosed by Xu et al.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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